

September 25, 2017

**VIA U.S. Mail and Email ([mandy@newlawoffice.com](mailto:mandy@newlawoffice.com))**

Amanda J. Taylor, Esquire  
The Law Office of Stephen P. New  
114 Main Street  
P.O. Box 5516  
Beckley, WV 25801

Re: Jason K. Stratton v. Arch Coal, Inc.  
Civil Action No. 5:16-CV-12204

Dear Ms. Taylor:

Please allow this letter to serve as a good faith communication, pursuant to Rule 37 of the Federal Rules of Civil Procedure, regarding subpoenas *duces tecum* issued to your client on August 24, 2017 for records regarding Mountaineer Development & Consulting, LLC (“Mountaineer”), and on September 11, 2017 for records regarding Big Fork Development, LLC (“Big Fork”). A response to the subpoena *duces tecum* for Mountaineer was due on September 7, 2017. A response to the subpoena *duces tecum* for Big Fork is due today, September 25, 2017. To date, no documents have been provided by Mr. Stratton as to either corporate entity.

Indisputably, these records regarding Plaintiff’s interests in and connections to Big Fork and to Mountaineer, as well as payments he received from them -- relate directly to whether he has mitigated his claimed economic damages. You indicated to David Morrison on September 7<sup>th</sup> that you would object to questions posed to Plaintiff regarding Mountaineer, and that you planned to file a motion for protective order; however, to date, no such motion has been filed. We believe that the Court would grant a motion to hold Plaintiff in contempt and to compel him to provide documents responsive to the subpoenas *duces tecum* served as to Mountaineer and Big Fork.

Please advise by tomorrow morning whether Plaintiff will tender the documents responsive to both of these subpoenas *duces tecum*, or whether it will be necessary for us to seek to seek a contempt order to enforce Mr. Stratton’s compliance with them.

**Exhibit 5**

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Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,



Shawn A. Morgan

SAM/sc